

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

MEETING #8-97/98

OCTOBER 15, 1997

7:30 P.M.

ROLL CALL BY THE TOWN CLERK PRESENT ABSENT

JOSEPH H. GROFF III, CHAIRMAN	X
HENRY N. BERRY III	X
HENRY G. (BILL) BEYER	X
CAROLYN M. FRITZ	X
WILLIAM H. JORDAN	X
JOHN W. MCGINTY	X
ROSEMARY A. REID	X

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Councilor Berry - Cumberland County Budget Review:

November 6	7:00PM	Naples
November 12	7:00PM	Portland
November 14	7:00PM	Scarborough

PRESENTATIONS

Boys State Championship Swim Team 1997

Present - Kerry Kertes, Coach

Ann Chapman - Member of the School Board from June 1, 1991 to September 3, 1997

Present - Ann Chapman

Congratulations to:

Cheryl Parker - Recipient of the Governor's Award for Volunteer Administration

Bob Malley - Exceptional Service to the Maine Chapter of Public Works

William Jordan - Recipient of the 1997 Ethel N. Kelley Memorial Award for public service

REPORTS AND CORRESPONDENCE

Councilor Reid - The application deadline for town boards and commissions is Friday, October 31. For more information, please contact Barbara Ray, Town Manager's Office at 799-5251.

Councilor Beyer, as Town Council representative, reported on the following committees:

- MMA Legislative Committee - 9/16/97 Re: Intergovernmental Task Force
- MMA Convention - 10/8-10/10 - Attended by Councilors Beyer and McGinty
- Pool Study Committee - 9/11/97 Re: Introductory Meeting
- 10/2/97 Re: Site Visit
- 11/6/97 Next Meeting

Councilor McGinty thanked the Cape Elizabeth Police Benevolent Association for sponsoring the annual employee golf tournament, held in memory of Fire Chief Donald Webster. The event was held at the Purpoodock Club on September 2, 1997.

Manager McGovern reported that a group will gather on Monday, November 3 to discuss the Town's Web Page. Interested citizens are encouraged to join the discussion.

Councilor Fritz, Representative to COG Executive Committee, reported that COG is in the process of studying the mission, goals and direction of COG. Member towns will be asked to participate in the study.

Chairman Groff - The final meeting of the Town Farm Study Committee will be held on October 16. A report to the Town Council will follow.

Moved by W. Jordan and Seconded by J. McGinty to approve the Minutes of Meeting #6-97/98 held September 8, 1997 and Special Meeting #7-97/98 held October 1, 1997 as written.

(7 yes) (0 no)

PUBLIC HEARING SIGN ORDINANCE AMENDMENT RE: LIONS' FIELD ADVERTISING SIGNS

Intro - Councilor Jordan, Chairman Ordinance Committee

Chairman Groff opened the hearing to public comments at 7:58 PM.

Jim Rowe, 127 Oakhurst Road, President CE Little League - Mr. Rowe encouraged the Town Council to approve the amendment. The revenue from the signs will offset capital expenditures of the new field at Lions' Field, and subsidize the Little League program to keep it affordable.

After hearing no further comments, the hearing was closed at 8:01 PM.

ITEM #51-97/98 Moved by H. Berry and Seconded by H. Beyer

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled to approve the following amendments to Chapter 21, Signs:

Sec. 21-2-2. **Signs Permitted in All Zones with a Permit.**

(e) Sign area for each municipal facility shall not exceed a total of 100 sq. ft., except that signage in excess of 100 sq. ft. shall be allowed at the Lions Field Complex as provided for below.

Notwithstanding the underlying zone, all types of signs shall be allowed for municipal facilities. The size of municipal facility signs shall be limited by the provisions of this ordinance. A permit for sign erection is required from the Code Enforcement Officer.

(1) Lions Field Complex signage. Due to its relatively isolated setting and the existence of a dense buffer of natural vegetation, the Lions Field Complex may include advertising signage in addition to 100 sq. ft. of general signage. No more than 540 sq. ft. of advertising signage shall be allowed per field at the Lions Field Complex. Advertising signage shall be affixed to the inside of outfield fences and shall be made of a textile or plastic fabric material. Individual signs shall not exceed 3' x 6' and no more than 30 signs shall be allowed per field. Display of signs shall be limited to the period from the week before Little League Opening Day to the week after the end of post season play. The Cape Elizabeth Little League shall notify the Code Enforcement Officer at the beginning of the season prior to the placement of signs, although no permit shall be required.

Sec. 21-2-3 Permitted Signs in the TC, BA, BB, and BC Zones.

(a) Signs in the Business Signs Table are allowed with a permit in the TC, BA, BB and BC Zoning districts of the Zoning Ordinance. The total allowable sign area per establishment shall not exceed 75 sq. ft. except as provided elsewhere in this ordinance. Signs under this section which shall be erected for a period not to exceed 30 days shall be considered temporary and shall require a permit from the Code Enforcement Officer. No more than three (3) temporary signs per establishment per year shall be allowed.

(7 yes) (0 no)

TABLED ITEMS

Moved by J. McGinty and Seconded by R. Reid to take ITEM ##44 & 42-97/98 off the table.

(7 yes) (0 no)

ITEM #44-97/98 Moved by J. McGinty and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the following policy regarding revenue from advertising signs at Lions' Field Complex:

Town Council Policy

It is the policy of the Town Council that the design, color and proper maintenance of advertising signage at the Lions Field Complex shall be the responsibility of the Cape Elizabeth Little League. Revenue generated by the advertising signs shall be retained by the Cape Elizabeth Little League (1) for its general program funding, and (2) to invest in the significant capital expense of a new field near the existing Lions Field.

(7 yes) (0 no)

ITEM #42-97/98 Intro - Manager McGovern

Moved by R. Reid and Seconded by W. Jordan

Ordered:

WHEREAS, the Cape Elizabeth Land Company has requested the Town Council to adopt an amendment to the Zoning Ordinance, Section 19-6-4(D) (1) (c) regarding the required standards to develop property in the Town Center District; and

WHEREAS, 19-10-3 (A) (4) of the Zoning Ordinance requires the Town Council to initially review all requests for Zoning amendments, and provides such requests may be denied by the Town Council without further action if determined by the Town Council to be (a) legally faulty; (b) conflicting with State law; or (c) clearly contradictory to established Town Policy; and

WHEREAS, the standard sought to be amended appears in the recently adopted Zoning Ordinance which underwent extensive consideration, comment, review and hearings by various boards, committees, interested parties and the Town Council over an extended period of time prior to its adoption;

WHEREFORE, the Town Council, without determining that the requested amendment must be sent to the Planning Board for its recommendation, and without prejudice to its right to hereafter determine the requested amendment is clearly contrary to the established Town policy expressed in the recently adopted Zoning Ordinance, does nonetheless refer the requested amendment to the Planning Board for its review and recommendations.

Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council amends the main motion to read as follows:

WHEREAS, the Cape Elizabeth Land Company has requested the Town Council to adopt an amendment to the Zoning Ordinance, Section 19-6-4(D) (1) (c) regarding the required standards to develop property in the Town Center District; and

WHEREAS, 19-10-3 (A) (4) of the Zoning Ordinance requires the Town Council to initially review all requests for Zoning amendments, and provides such requests may be denied by the Town Council without further action if determined by the Town Council to be (a) legally faulty; (b) conflicting with State law; or (c) clearly contradictory to established Town Policy; and

WHEREAS, the standard sought to be amended appears in the recently adopted Zoning Ordinance which underwent extensive consideration, comment, review and hearings by various boards, **Planning Board**, committees, interested parties and the Town Council over an extended period of time prior to its adoption;

WHEREFORE, the Town Council, without determining that the requested amendment must be sent to the Planning Board for its recommendation, **within the purposes of the existing Cape Elizabeth Zoning Ordinance**, and without prejudice to its right to hereafter determine the requested amendment is clearly contrary to the established Town policy expressed in the recently adopted Zoning Ordinance, does nonetheless refer the requested amendment to the Planning Board for its review and recommendations.

(2 yes) (5 no H. Beyer, W. Jordan, J. McGinty, R. Reid, J. Groff)

Original Motion: (6 yes) (1 no C. Fritz)

CONSENT AGENDA

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the consent agenda, as presented.

ITEM #52-97/98 The Town Council authorizes the November 4, 1997 Election polls to open at 7:00AM and close at 8:00PM.

ITEM #53-97/98 The Town Council authorizes a request of New England Telephone and Central Maine Power Company to install one pole at Reef Road - from approximately 651' southerly of Oak Knoll.

ITEM #54-97/98 The Town Council sets to public hearing on Monday, November 10, 1997 at 7:30 PM at Town Hall proposed amendments to the General Assistance Ordinance.

(7 yes) (0 no)

ITEM #55-97/98 Intro - Gary Beckwith, Chairman Two Lights Design Review Committee
Present - Anne Carney, Committee Member
Steve Harding and Marc Larochelle, OEST Associates, Inc.
Robert Malley, Director of Public Works

Moved by R. Reid and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Report of the Two Lights Road Bikeway/Pedestrian Path Design Review Committee and sets the report to public hearing on Monday, November 10, 1997 at 7:30 PM at Town Hall.

(6 yes) (1 no H. Berry)

See attachment.

ITEM #56-97/98 Intro - Debra Lane, Town Clerk

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to contract with Mohr & Seredin to prepare plans and to coordinate permitting for an expansion of Riverside Memorial Cemetery per the September 11, 1997 proposal from the firm with funds for the process not to exceed \$30,000 to come from the Riverside Cemetery Capital Improvement Fund.

(7 yes) (0 no)

ITEM #57-97/97 Intro - Manager McGovern

Moved by H. Beyer and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council acknowledges receipt of the report from the Planning Board regarding Communication Towers.

(7 yes) (0 no)

ITEM #58-97/98 Moved by J. Groff and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council establishes a task force to review issues relating to the siting of communication towers and approves the proposed draft charge of the Telecommunications Facilities Technology Task Force as amended: Task Force Responsibilities #5 - to include recommendations for potential revenue to the Town.

(7 yes) (0 no)

See attachment.

CITIZEN'S DISCUSSION OF ITEMS NOT ON THE AGENDA

ITEM ##59-61-97/98 Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council enters into executive session at 9:18 PM to discuss land acquisition/disposition, two requests for hardship abatements, and to review the status of collective bargaining with the Cape Elizabeth Police Benevolent Association.

(7 yes) (0 no)

Moved by W. Jordan and Seconded by H. Beyer

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 11:01 PM.

(7 yes) (0 no)

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves two hardship abatements for a total of \$2640.67.

(7 yes) (0 no)

Moved by H. Berry and Seconded by H. Beyer

Ordered the Cape Elizabeth Town Council adjourns at 11:01 PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk